

NOV 15 2007

BACHMAN & LaPOINTE, P.C.
 REGISTERED PATENT ATTORNEYS
 SPECIALIZING IN INTELLECTUAL PROPERTY

SUITE 1201
 900 CHAPEL STREET
 NEW HAVEN, CONNECTICUT 06510-2802

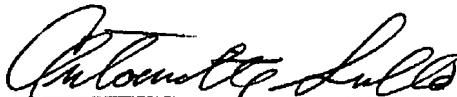
GREGORY P. LAPOINTE
 BARRY L. KELMACHER (ALSO VA BAR)
 GEORGE A. COURY (ALSO NY BAR)
 WILLIAM B. SLATE (ALSO CA AND DC BARS)
 ROSS J. CHRISTIE (ALSO NY BAR)
 TIMOTHY J. LUBECKI (ONLY PA BAR)

TELEPHONE (203) 777-6628
 FAX (203) 865-0297
 (203) 789-0582

TELECOPIER COVER LETTERTo: USPTOFrom: William B. Slate *Antoinette Sullo*
57250FAX #: 571-273-8300Date: November 15, 2007Your Ref.: SN 10/733,556Our Ref.: 085.10966-US (03-436)Number of Pages including this sheet: 5Confirmation Copy to Follow: Yes XX No

* Comments:

I hereby certify that this correspondence is being facsimile transmitted this 15th day of November, 2007 to the USPTO, at Fax No. 571-273-8300.


 Antoinette Sullo

Please acknowledge receipt of this letter by email, telephone, telefax or telex and advise us if any pages are not readily legible or have not been received.

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately and destroy this transmittal.

BACHMAN & LAPOINTE, P.C.
 TELEPHONE: (203) 777-6628
 TELEFAX : (203) 865-0297

NOV 15 2007

PTOL-413A (10-07)
Approved for use through 10/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE**Applicant Initiated Interview Request Form**

Application No.: 10/733,656 First Named Applicant: Michael J. Aerlo
 Examiner: Chuka Clement Ndubizu Art Unit: 3749 Status of Application: Pending

Tentative Participants:

(1) Examiner Chuka Clement Ndubizu (2) Attorney William B. State
 (3) _____ (4) _____

Proposed Date of Interview: 11/20/2007 Proposed Time: 10:30 (AM/PM)

Type of Interview Requested:

(1) Telephonic (2) Personal (3) Video Conference

Exhibit To Be Shown or Demonstrated: [] YES NO
 If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art <u>double patenting</u>	Discussed	Agreed	Not Agreed
(1) <u>Rej.</u>	_____	_____	[]	[]	[]
(2) <u>Rej.</u>	<u>various</u>	<u>'004 and '978</u>	[]	[]	[]
(3) _____	_____	_____	[]	[]	[]
(4) _____	_____	_____	[]	[]	[]

[] Continuation Sheet Attached

Brief Description of Arguments to be Presented:

An interview was conducted on the above-identified application on _____.
 NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

William B. State

37,238

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attachment to PTOL-413A Ser. No. 10/733,556

Double Patenting

Claim 1 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending application 10/733,544. Applicants respectfully traverse the rejection.

In addition to the reasons previously noted, additional structural language has been added to claim 1 of the '544 application to identify hangers.

Claim Rejections-35 U.S.C. 103

Claims 1-3, 5, 6, 10, and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter, Jr. (US5494004) in view of DeMart (US2668978). Applicants respectfully traverse the rejection.

At page 3 of the Office action, there is clearly no support for the assertion of a plurality of separable segments and their support on respective associated trolleys. The Office action appears to effect some combination of bootstrapping and overly creative interpretation wherein a single four-wheel combination is asserted against the claim. It is clear that the meaning of the claim requires more than this. The apparent interpretation vitiates the phrase "associated one of the plurality of trolleys". Even giving credit to the asserted trolley and segmentation, Hunter, Jr. merely involves a single trolley supporting all the segments.

DeMart appears to involve a suspended lance. There does not appear to be the claimed association of segments and trolleys. As with Hunter, Jr., if this is an interpretational issue, it is hoped that appropriately distinguishing wording can be agreed upon.

The asserted motivation to combine "in order to provide an apparatus as rugged and would prevent the sagging of blower lance tubes as taught by DeMart" is merely conclusory.

What is the nature of the proposed combination? What form of additional trolleys are being added to Hunter, Jr. and where? What support is there for any assertion that Hunter, Jr. lacked ruggedness and was subject to sagging? How would the modifications not interfere with basic operation of Hunter, Jr. (e.g., its articulation)?

In the prior February 12, 2007 action, it was asserted that "a plurality of segments and each segment supported atop a single associated one of the plurality of trolleys is an obvious

Attachment to PTOL-413A Ser. No. 10/733,556

variation over Hunter." Office action, page 4, lines 3-4. This is not the asserted "mere duplication of parts" as in the addition of an extra reinforcing rib in the cited *In re Harza* case. Applying the mere duplication of parts theory to Hunter, Jr. would be, for example, if Applicants claimed cleaning a furnace with two Hunter, Jr. devices.

The provision of multiple trolleys and multiple segments is not suggested by Hunter, Jr. As noted in the specification, these may provide modularity and ease of assembly.

Claims 8 and 9 are believed patentable for the same reason as is the subject matter of underlying claim 1.

The added claims identify various other aspects of the modularities for which there is no suggestion.

Claims 8, 9, and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter, Jr. in view of DeMart. Applicants respectfully traverse the rejection.

Similar questions and arguments apply as are noted above.

The connection of sewer pipes is not believed informative. There is no basis for asserting the obviousness of the modification. Furthermore, the modification would clearly interfere with the articulation of Hunter, Jr. In the absence of a detailed characterization of the physical nature of any combination, Applicants are not in a position to identify further deficiencies.

Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter, Jr. in view of DeMart, and further in view of Heering et al. (US5950572). Applicants respectfully traverse the rejection.

In the prior February 12, 2007 action, col. 3, lines 25-27 of Heering et al. were cited which read: "Slide 7 is pressed against lance box 5 by a compression spring which applies the necessary sealing force by way of a space sleeve 14 and O ring 15." The combination was asserted "in order to provide an apparatus that ensures gas tightness and motion along the protection against high temperatures..." Office action, paragraph spanning pages 4 and 5. There is no reason why one of ordinary skill in the art would attempt such a modification. One need only look at the figures of Hunter, Jr. and Heering et al. and be perplexed as to how such a proposal could be implemented. Look at Hunter, Jr. FIG. 2 and Heering et al. FIG. 2. These are

Attachment to PTOL-413A Ser. No. 10/733,556

substantially different physical situations. There is no reason why one would attempt to make any modification of Hunter, Jr. based upon Heering et al. There has been no identification of how this could be done without interfering with the basic operation of Hunter, Jr.

At page 8 of the present Office action, a Summary passage was asserted as identifying a compression spring. In the Detailed Description section, a compression spring is identified as element 13. Assuming this to be the spring, Applicants wish to discuss its role, which appears to be related to sealing.